

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RICHARD J. TESTA, JR., individually, and on
behalf of all others similarly situated,

Plaintiff,

-against-

MERRILL LYNCH, PIERCE, FENNER &
SMITH, INC., JOHN DOES 1-50 (said names
being fictitious individuals), and ABC
CORPORATIONS 1-50 (said names being
fictitious companies, partnerships, joint ventures
and/or corporations),

Defendants.

Civil Action No. 07 CV 8320 (AKH)

**MOTION TO ADMIT COUNSEL
PRO HAC VICE**

Pursuant to Local Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, A. Michael Weber, a member in good standing of the bar of this Court and attorney for Defendant, Merrill Lynch, Pierce, Fenner & Smith, Inc. hereby move this Court for an Order allowing the admission pro hac vice of Katherine Forster to assist in the representation of Defendant in this litigation.

Applicant's Name: Katherine M. Forster
Firm Name: Munger, Tolles & Olson LLP
Address: 385 South Grand Avenue, 35th Floor
City/State/Zip: Los Angeles, CA 90071-1560
Phone Number: (213) 683-9100
Fax Number: (212) 687-3702

Katherine M. Forster is a member in good standing of the Bar of the State of California. There are no pending disciplinary proceedings against Ms. Forster in any State or Federal court.

FILED
2007 DEC 28 PM 2:41
S.D. OF N.Y.

63-70-11 10-28-07 528 11-02-07 63

Dated: December 21, 2007
New York, New York

Respectfully Submitted,



A. Michael Weber (AW-8760)
LITTLER MENDELSON
A Professional Corporation
885 Third Avenue, 16th Floor
New York, NY 10022-4834
(212) 583-9600
(212) 832-2719 (fax)
mweber@littler.com

Attorney for Defendant
Merrill Lynch, Pierce, Fenner & Smith, Inc.

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**AFFIDAVIT OF A. MICHAEL
WEBER IN SUPPORT OF MOTION
TO ADMIT KATHERINE M.
FORSTER PRO HAC VICE**

State of New York)
) ss:
County of New York)

A. Michael Weber, being duly sworn, hereby deposes and says as follows:

1. I am a Shareholder with the law firm Littler Mendelson, P.C., resident in the firm's New York office, and a member of the bar of this Court. I submit this affidavit based on my personal knowledge of the facts set forth herein and in support of the motion of Defendant, pursuant to Rule 1.3(c) of the Rules of the United States District Courts for the Southern and Eastern Districts of New York, to permit Katherine M. Forster to appear pro hac vice as an attorney for the Defendant in this action.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in 1973. I am also admitted to the bar of the United States District Court for the Southern and Eastern Districts of New York and am in good standing with these Courts.

3. Ms. Forster is an associate with the law firm of Munger, Tolles & Olson LLP resident in the firm's Los Angeles, California office. Ms. Forster will become a Partner with Munger Tolles effective January 2008. Upon information and belief, Ms. Forster is a member in good standing of the State Bar of California, having been admitted in 2001. No disciplinary proceedings have been instituted against her or are pending against her in any jurisdiction.

4. Ms. Forster has assured me that she is familiar with all rules relevant to the practice of law in the United States District Court for the Southern District of New York.

5. If Ms. Forster is admitted to practice before the Court pro hac vice, she has assured me that she will abide by the rules of this Court.

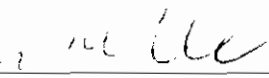
6. Accordingly, I am pleased to move the admission of Katherine M. Forster, pro hac vice.

7. I hereby certify that the foregoing statements made by me are true. I understand that if any of the foregoing is willfully false, I am subject to punishment.

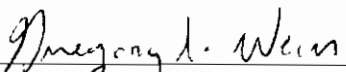
WHEREFORE, the undersigned respectfully requests that the motion to admit Katherine M. Forster, pro hac vice, as attorney for the Defendant in this action, be granted.

Dated: December 21, 2007
New York, New York

Respectfully submitted,

By: 
A. Michael Weber (AW-8760)

Signed before me
this 21st day of December, 2007


Notary Public
GREGORY S. WEISS
Notary Public, State of New York
No. 6246813824
Qualified in New York County
Commission Expires Nov. 14, 2009

**AFFIRMATION OF SERVICE
BY U.S. MAIL**

STATE OF NEW YORK)
): ss:
COUNTY OF NEW YORK)

Lisa R. Norman, an attorney at law duly admitted to practice before this court, affirms the following under penalties of perjury:

1. I am not a party to this action, am over the age of eighteen years, and reside in New York, New York.

2. On December 28, 2007 I served the within **Motion To Admit Counsel Pro Hac Vice, Affidavit of A. Michael Weber In Support of the Motion, Certificate of Good Standing for Katherine M. Forster, and Proposed Order for Admission Pro Hac Vice** in the instant case by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States Postal Service addressed as follows:

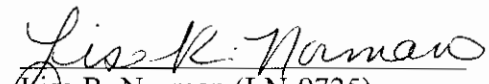
Adam C. Mayes, Esq.
Lovell Stewart Halebian LLP
500 Fifth Avenue
New York, NY 10110

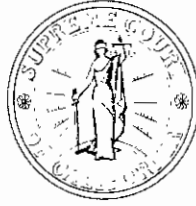
John Halebian, Esq.
Lovell Stewart Halebian LLP
500 Fifth Avenue
New York, NY 10110

Kenneth A. Elan
Kenneth A. Elan, Esq.
217 Broadway
New York, NY 10007

3. I am readily familiar with the Firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. The envelope above was sealed and will be deposited today with the United Postal Service in the ordinary course of business.

Dated: New York, New York
December 28, 2007


Lisa R. Norman (LN-9725)



Supreme Court of California

FREDERICK K. OHLRICH

Clerk of the Court

CERTIFICATE OF THE CLERK OF THE SUPREME COURT

OF THE

STATE OF CALIFORNIA

KATHERINE MELANIE FORSTER

I, FREDERICK K. OHLRICH, Clerk of the Supreme Court of the State of California, do hereby certify that KATHERINE MELANIE FORSTER was on the 3RD day of DECEMBER 2001, duly admitted to practice as an attorney and counselor at law in all the courts of this state; and that her name now appears on the Roll of Attorneys as a member of the bar of this state in good standing.

*Witness my hand and the seal of the court,
this 18th day of DECEMBER, 2007.*

FREDERICK K. OHLRICH

Clerk of the Supreme Court

By

A handwritten signature in cursive script, reading "Joseph Cornetta".

Joseph Cornetta, Deputy Clerk

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and/or corporations),

Defendants.

Civil Action No. 07 CV 8320 (AKH)

**ORDER FOR ADMISSION
PRO HAC VICE ON WRITTEN
MOTION**

A motion having been made by A. Michael Weber, counsel for Defendant Merrill Lynch, Pierce, Fenner & Smith, Inc. ("Merrill Lynch") for an Order pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York admitting Katherine M. Forster pro hac vice to appear and practice in this Court in this action; and this Court, having reviewed the annexed Affidavit of A. Michael Weber,

IT IS HEREBY ORDERED that

Applicant's Name: Katherine M. Forster
Firm Name: Munger, Tolles & Olson LLP
Address: 385 South Grand Avenue, 35th Floor
City/State/Zip: Los Angeles, CA 90071-1560
Phone Number: (213) 683-9100
Fax Number: (213) 683-3702

is admitted to practice pro hac vice as counsel for Defendant Merrill Lynch in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing

(ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov.

Counsel shall forward the pro hac vice fee to the Clerk of Court.

Dated: _____

New York, New York

SO ORDERED:

United States District/Magistrate Judge